

In Claim 26, line 1, after "producing", delete "an article of matter" and substitute therefor --a composition--.

Also in Claim 26, line 3, after "in" delete "the article" and substitute therefor -- the composition --.

In Claim 27, line 1, after "producing", delete "an article of matter" and substitute therefor --a composition--.

Also, in Claim 27, line 3, after "in" delete "~~a product~~" and substitute therefor -- the composition --.

the article

REMARKS

Claims 1- 8 and 13-27 are in the application. Claims 24-27 stand rejected under 35 USC 112, second paragraph as being indefinite. Claims 1-8, and 13-21, stand rejected under 35 USC 103 over Zamorano et al. (Virology 1995) and Rodriguez et al (Arch. Virol. 1994). Alternately, Claims 18 and 13-23 stand rejected under 35 USC 103 (a) over Zamorano et al. (Virology 1995) and Rodriguez et al (Arch. Virol. 1994) in view of Morgan et al (Am. J. vet Res. 1990). Claim 6 is objected to. Applicants believe the amendments and discussions hereunder advance the application to a condition for allowance. The arguments are summarized and discussed in details as follows.

Summary of Applicants' Arguments

The patentable distinction of the claimed invention over the prior art resides in the failure of the prior art to teach or suggest vaccines comprising specified non-structural peptides. With the difference between the claims and the prior art properly ascertained, it is clear that there is no motivation for the skilled artisan to modify the prior art to the claims. More specifically, the prior art provides no basis for modifying it to the claims. Rodriguez et al relating to FMDV diagnostics provides no basis for modification to the claims. Zamorano et al teaches vaccines containing VP-1 structural polypeptides. Morgan et al teaches vaccines containing FMDV virus structural protein expressed in E coli as a fusion protein. They provide no basis for modification to the claims.

The deficiency of the cited references is not cured by the general knowledge about natural infections providing immunity.